

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

LARRY EDWARD TALSETH,

Defendant.

CR 07–20–H–DWM

ORDER

On August 14, 2020, United States Magistrate Judge Kathleen L. DeSoto entered Findings and Recommendation with respect to the disposition of the revocation proceedings stemming from the May 28, 2020 petition for revocation of Defendant Larry Edward Talseth’s supervised release. (Docs. 42, 60, 62.) Based upon a preponderance of the evidence presented at the revocation hearing, Judge DSoto concluded Defendant violated the conditions of his release in the manner set forth in all five violations of the petition. (Doc. 62 at 4.) She therefore recommends that supervised release be revoked and that this Court sentence Defendant to 6 months custody with credit for time served and 10 years of supervised release. (*Id.* at 5.)

Neither party has filed objections. Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court’s “full authority”

to review the Findings and Recommendation under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). Finding no clear error in Judge DeSoto’s conclusion that Defendant violated the conditions of his release in the manner set forth the petition, and that Defendant’s supervision should be revoked, the Court adopts those findings and recommendation. (*See* Doc. 62.)

Accordingly, IT IS ORDERED Judge DeSoto’s Findings and Recommendation (Doc. 62) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant’s supervised release is revoked. Judgment will be entered by separate document.

DATED this 1st day of September, 2020.


Donald W. Molloy, District Judge
United States District Court

15:17 PM.